

Remarks

I. Introduction

Claims 1, 4, 6, 8, 9, 10, 12, 15, 17, 19, 20, 21, 23, 26, 28, 30 – 32, 34, 35, 38 – 41 and 43 - 54 (55 – 57 being currently cancelled herein) were presented and stand rejected under 35 U.S.C. 103(a). Claims 39 and 43 stand further rejected under 35 U.S.C. 112, first paragraph.

Claims 2, 3, 5, 13, 14, 16, 24, 25, 27, 36, 37 and 55 – 57 are cancelled.

Claims 7, 11, 18, 22, 29, 33 and 42 are withdrawn.

Applicant herein cancels claims 55 – 57 without prejudice or disclaimer and for reasons not related to patentability.

Applicant hereby respectfully requests reexamination and reconsideration of the pending claims in light of the amendments and remarks provided herein and in accordance with 37 C.F.R. §1.112.

II. The Office Action's Rejections

A. Section 112 Rejections

Claim 39 stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office asserts that the claims recitation the representation “is not a payable” lacks support in the specification. Current Office Action, page 2, middle paragraph. Applicants respectfully traverse this rejection. The specification as filed clearly shows many embodiments of displaying a representation of a non-linear outcome in a linear format without the representation being a payable. A payable is a schedule of possible payouts available in a game and the respective one or more outcomes that correspond to each of the possible payouts. In order to win a payout, an outcome achieved in a game must match an outcome on the payout table. In the embodiment of claim 39, the representation is not a payout table at least because winning of a payout corresponding to the non-linear outcome does not depend upon a match existing between the non-linear outcome and the representation of the non-linear outcome in a linear format. The player receives a payout if the non-linear outcome matches an outcome corresponding to the payout on a payout table. To help the player determine whether the non-linear outcome corresponds to a payout on the payout table, a representation of the non-linear outcome is displayed in a non-linear format. But, again and very

importantly, whether the player wins a payout is not at all *dependent upon* the representation matching the non-linear outcome. The specification as filed includes Fig. 2 of a slot machine consistent with one embodiment, which includes a primary display 202 for displaying, in accordance with one embodiment, a non-linear outcome and an alternate display 204 for displaying an alternate representation the non-linear outcome. Notably, Fig. 2 also includes a payout table in the bottom portion of it, thus supporting Applicants' position that the alternate representation showed in alternate display 204 is not a paytable. The specification corresponding to this Figure (pg. 9, line 26 through pg. 9, line 18) also supports Applicants' position (see also pg. 3, lines 10 – 23, for example).

Claim **43** also stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office asserts that the claimed limitation that the second display has an input to accept input from the player is not supported by the specification as filed. Current Office Action, page 2, last paragraph. Applicants respectfully traverse this rejection. The specification describes one embodiment in which the alternate or second display as comprises a touch screen operable to receive input from a player. See, for example, pg. 30, lines 20 – 25. Accordingly, this claim limitation is fully supported by the specification as filed.

B. Section 103 Rejections

Claims **1, 4, 6, 8, 10, 12, 15, 17, 19, 21, 23, 26, 28, 30, 32, 35, 38 – 41 and 43 – 57** stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,695,696 to Kaminkow et al. ("Kaminkow" herein) in view of U.S. Publication No. 2003/0001338 to Bennett et al. ("Bennett" herein). Claims 55 – 57 have been cancelled herein (for reasons unrelated to patentability) so this rejection is moot. Applicants respectfully traverse the rejection of the other claims for the reasons set forth below.

As a preliminary matter, Applicants note that of the rejected claims, only claims **1, 4, 12, 15, 23, 26 and 35** are independent. For purposes of brevity, Applicants focus the majority of the discussion below on the patentability of these independent claims.

With respect to each of independent claims **1, 4, 12, 15, 23, 26 and 35**, Applicants note that the Office has stated (and Applicants agree) that Kaminkow does not teach displaying a non-linear outcome as a linear outcome (Current Office Action, first sentence of page 4). The Office

instead relies on Bennett as teaching this limitation. Applicants respectfully disagree that Bennett describes Applicants' claimed invention but thank the Office for making Applicants realize that the claim language of these independent claims may prove less than perfectly clear in drawing the distinction between Applicants' claimed invention and that of Bennett. Applicants have amended each of the independent claims in an attempt to further distinguish the claimed invention from that of Bennett by introducing the following general claim limitation into each of the independent claims **1, 4, 12, 15, 23, 26 and 35**:

wherein the linear outcome is displayed via the second display upon the non-linear outcome being determined for display via the first display and only if the non-linear outcome is determined for display via the first display such that the outcome is displayed in both a non-linear format and a linear format in response to a single and particular random number being determined.

As explained in Applicants' specification, a purpose of the claimed embodiments is to aid a player in determining what outcomes have been generated for a particular handle pull by presenting the outcomes in an alternate and easier to understand format such as by presenting non-linear outcomes in a linear format. It is important to understand that the outcome representation presented in a linear format on the secondary or alternate display is the same outcome generated for display on the primary display and is the result of the same random number. Thus, if a random number and thus outcome are not determined for display on the primary display, no non-linear outcome would be presented on the secondary or alternate display because the display of the outcome in the secondary or alternate display depends upon the outcome being determined for display via the primary display. Applicants have attempted to capture this concept more clearly in the proposed amendment language.

In contrast, Bennett teaches a dynamic payout table that changes, sometimes from handle pull to handle pull. For example, which prize is associated with which possible winning combination may change (paragraphs 33 – 37 of Bennett), prizes for possible winning combinations may change (paragraphs 38 – 42 of Bennett), what symbol combination constitutes a winning combination may change (paragraphs 43 – 46 of Bennett) or mystery winning combinations may be revealed (paragraph 47 of Bennett). But in all the various embodiments of

Bennett, the secondary display displays a payout table and any payout provided for a particular handle pull depends upon a *match* existing between the final combination displayed on the primary display and one of the possible winning combinations displayed on the secondary display. There is absolutely no teaching that the outcome displayed on the secondary display is displayed *upon* the outcome being displayed in a non-linear format on the non-winning display. This would be a non-sensical modification of *Bennett*, as it would result in every handle pull being a winning handle pull. In other words, since a payout is provided in Bennett *each time there is a match* between an outcome displayed in the primary display and an outcome being displayed in the secondary display, outputting the outcome on the secondary display (albeit in a different format) *upon* the same outcome being displayed on the primary display (as is claimed) would result in a payout being provided on each handle pull and thus in a non-profitable slot machine.

Further, Bennett is completely devoid of any teaching or suggestion that an outcome displayed on the secondary display and an outcome displayed on the primary display are in response to a single and particular random number being determined, as is now claimed.

For the above reasons, Applicants respectfully submit that each of independent claims **1 , 4, 12, 15, 23, 26 and 35** are patentable over Bennett and thus the combination of Kaminkow and Bennett. Further, each of the claims dependent from these independent claims are similarly patentable because they each include the limitation discussed above by virtue of their dependency.

Request for Support of the Official Notice Taken with Respect to Claims 48 - 52

The Office has asserted, with respect to claims **48 – 52**, that “PDAs, remotes, or laptops as remote controllers for slot machines is old and well known in the art.” (Current Office Action, page 6, first full paragraph). Applicants respectfully dispute that using a PDA or other mobile terminal as a remote controller for a slot machine was known in the art at the time of Applicants’ invention. Accordingly, if this rejection is maintained, Applicants respectfully request support for this proposition.

Claims **6, 9, 15, 20, 26 and 31** stand rejected under 35 U.S.C. 103(a) as unpatentable over Kaminkow in view of Bennett and further in view of U.S. Publication 2003/0060268 to Falconer (“Falconer” herein). As Falconer fails to cure the deficiencies of the Kaminkow-Bennett combination, argued above, Applicants respectfully submit that each of these claims are patentable for the same reasons argued above with respect to the rejection of claims **1, 4, 12, 15, 23, 26 and 35** over Kaminkow in view of Bennett.

Claims **6, 15 and 26** stand rejected under 35 U.S.C. 103(a) as unpatentable over Kaminkow in view of Bennett and further in view of U.S. Publication 2004/0192431 to Singer (“Singer” herein). As Singer fails to cure the deficiencies of the Kaminkow-Bennett combination, argued above, Applicants respectfully submit that each of these claims are patentable for the same reasons argued above with respect to the rejection of claims **1, 4, 12, 15, 23, 26 and 35** over Kaminkow in view of Bennett.

Claims **26 and 34** stand rejected under 35 U.S.C. 103(a) as unpatentable over Kaminkow in view of U.S. Publication 2003/0186736 to Benbrahim (“Benbrahim” herein). As Benbrahim fails to cure the deficiencies of Kaminkow or the Kaminkow-Bennett combination, argued above, Applicants respectfully submit that each of these claims are patentable for the same reasons argued above with respect to the rejection of claims **1, 4, 12, 15, 23, 26 and 35** over Kaminkow in view of Bennett.

III. Authorization to Charge Fees

Applicant believe a 3 month extension of time to make this Amendment and Response timely is necessary. Accordingly, please grant a petition of 3 month extension of time necessary to make this submission timely. Additionally, please charge the necessary fee for this extension of time, as well as any other fees that may be required for this submission, as follows:

Deposit Account: 50-0271

Order No. 03-013

Charge any additional fees or credit any overpayment to the same account.

IV. Conclusion

At least for the foregoing reasons, it is submitted that all claims are now in condition for allowance, or in better form for appeal, and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remain any questions regarding the present application or the cited reference, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Magdalena M. Fincham at telephone number 203-461-7041 or via electronic mail at mfincham@walkerdigital.com, at the Examiner's convenience.

Respectfully submitted,

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Date

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